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THE DIRECTV GROUP INC			VU, NGOC K	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,323

Applicant(s)

ARSENAULT ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/28/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's arguments filed 11/7/05 with respect to election requirement have been fully considered and are persuasive. Accordingly, the election requirement has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2, 7 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation of "a service selector for directing tuning...and the first control signal". It is unclear how the selector tunes the control signal as claimed. Claims 7 and 32 recites "...directing tuning ...the first and second control signals..." and "directing tuning ... "the switch" further respect to claim 7. It is unclear how the selector tunes the control signals and the switch as claimed. Accordingly, claims 2, 7 and 32 are indefinite.

Claims 7 and 32 are indefinite because there is no antecedent basis for the limitation "the second tuner" in line 2.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-9, 11, 12, 15, 16, 20, 21, 23, 28-34, 36, 37, 40, 41, 45, 46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Novak (U.S. 5,787,335 A).

With respect to claim 1, Novak teaches a system (see figure 2) for receiving continuous services (television services or programs), comprising: a first splitter (46) having a first output and a slave output (more than one output) receiving a first signal (i.e., satellite television signal) at an input having a single polarization (left-hand polarization) including a first service and a slaved service (more than one service or program), wherein the first signal is directed to the first output and the slaved output and selects by a first control signal (via switch 62); a first tuner (within receiver 16) receiving the first output and tuning the first service; and a slaved tuner (within other receiver 16) receiving the slaved output (other output) and tuning the slaved service (other service or program) (see col. 3, lines 31-34 and 58-64 and figure 2).

Regarding claim 2, Novak teaches each of service selectors 62 for generating first control signals and controlling each of the tuners (see figure 2).

Regarding claim 3, Novak teaches that the first control signal is applied by the selector 62 coupled to the first splitter 46 (see figure 2).

Regarding claim 4, Novak teaches that the first control signal is applied by the selector 62 through tuner coupled to the splitter 46 (see figure 2).

Regarding claim 5, Novak teaches that the slaved service is selected from a plurality of slaved services (i.e., from direct satellite television services or programs – see col. 3, lines 58-67).

Regarding claim 6, Novak teaches that the system further comprising a second splitter (52) having a first output and a slave output (more than one output) receiving a second signal (i.e., satellite television signal) at an input having a single polarization (right-hand polarization) including a first service and a slaved service (more than one

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service or program), wherein the second signal is directed to the first output and the slaved output and selects by a second control signal (via switch 62); a switch (62) for selecting the slaved output (other output) to the slaved tuner (other tuner) between the slaved output of the first splitter (46) and the slaved output of the second splitter (52) (to provide the service requested by a user - see col. 3, lines 31-36 and 58-64 and figure 2).

Regarding claim **7**, Novak teaches that the system further comprises each switch 62 for generating control signal and controlling each receiver (see figure 2).

Regarding claim **8**, Novak teaches that the first control signal is applied by the switch coupled to the first splitter 46 and the second control signal is applied by the switch coupled to the second splitter 52 (see figure 2).

Regarding claim **9**, Novak teaches that the first control signal is applied by the switch 62 through the first tuner coupled to the first splitter 46 and the second control signal is applied by the switch 62 through the second tuner coupled to the second splitter 52 (see figure 2).

Regarding claims **11 and 12**, Novak teaches providing frequency range of the service corresponding to left/right-hand polarization (see col. 4, lines 43-61).

Regarding claims **15 and 16**, Novak teaches providing channel information for the service or program to a user so that the system provides output signals to television set according to the requirements of the user (see col. 4, line 64 to col. 5, line 28).

Regarding claims **20, 21 and 23**, Novak teaches that the tuned service is selected using an algorithm and the algorithm is performed within the receiver system (via receiver 16 - see 5, lines 6-19).

Regarding claim **28**, Novak teaches a method (see figure 2) of receiving services (television services or programs), comprising: generating a first control signal (via switch 62) to select a first signal; receiving a first signal (i.e., satellite television signal) including

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a first service and a slaved service (more than one service or program), wherein the services are at the same polarization (left-hand polarization); splitting the first signal with a first splitter (46) to a first output and a slave output (more than one output); tuning the first service from the first output with a first tuner (within receiver 16); and tuning the slaved service from the slaved output with a slaved tuner (within other receiver 16) (see col. 3, lines 31-34 and 58-64 and figure 2).

Regarding claim **29**, Novak teaches each of service selectors 62 for generating first control signals and controlling each of the tuners (see figure 2).

Regarding claim **30**, Novak teaches that the slaved service is selected from a plurality of slaved services (i.e., from direct satellite television services or programs – see col. 3, lines 58-67).

Regarding claim **31**, Novak teaches that the system further comprising a second splitter (52) having a first output and a slave output (more than one output) receiving a second signal (i.e., satellite television signal) at an input having a single polarization (right-hand polarization) including a first service and a slaved service (more than one service or program), wherein the second signal is directed to the first output and the slaved output and selects by a second control signal (via switch 62); a switch (62) for selecting the slaved output (other output) to the slaved tuner (other tuner) between the slaved output of the first splitter (46) and the slaved output of the second splitter (52) (to provide the service requested by a user - see col. 3, lines 31-36 and 58-64 and figure 2).

Regarding claim **32**, Novak teaches that the system further comprises each switch 62 for generating control signal and controlling each receiver (see figure 2).

Regarding claim **33**, Novak teaches that the first control signal is applied by the switch coupled to the first splitter 46 and the second control signal is applied by the switch coupled to the second splitter 52 (see figure 2).

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Regarding claim **34**, Novak teaches that the first control signal is applied by the switch 62 through the first tuner coupled to the first splitter 46 and the second control signal is applied by the switch 62 through the second tuner coupled to the second splitter 52 (see figure 2).

Regarding claims **36 and 37**, Novak teaches providing frequency range of the service corresponding to left/right-hand polarization (see col. 4, lines 43-61).

Regarding claims **40 and 41**, Novak teaches providing channel information for the service or program to a user so that the system provides output signals to television set according to the requirements of the user (see col. 4, line 64 to col. 5, line 28).

Regarding claims **45, 46 and 48**, Novak teaches that the tuned service is selected using an algorithm and the algorithm is performed within the receiver system (via receiver 16 - see 5, lines 6-19).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 73-75 and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Arsenault et al. (US 6,922,844 B1).

Regarding claim **73**, Arsenault teaches a method of business for delivering simultaneous services, comprising: transmitting a plurality of signals, each signal including a plurality of first services (from satellite 602) and at least one slaved service

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(from satellites 604A-C) at the same polarization and the at least one slaved service is the same for each signal and polarization; and receiving and retransmitting each signal separately to a downlink antenna (620 of receiver station 614B) (see col. 9, lines 25-36; col. 10, lines 38 to col. 11, line 1 and figure 6).

Regarding claims **74, 75 and 77**, Arsenault teaches that the tuned service is selected using an algorithm and the algorithm is performed within the receiver system (see col. 10, line 51 to col. 11, line 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 13, 14, 17-19, 35, 38, 39 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U.S. 5,787,335 A).

With respect to claims **10 and 35**, Novak discloses the television receiver system but does not disclose the system is integral to an integrated receiver/decoder IRD. Official Notice is taken that integrated receiver decoder or IRD for receiving data and decoding the received data is well known in art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the television receiver system of Novak by including IRD in order to promote both space and power efficiency.

Regarding claims **13 and 38**, Novak does not specifically teach updating memory. Official Notice is taken that updating memory to obtain the newest information

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or data is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by updating memory in order to obtain the newest information or data.

Regarding claims **14 and 39**, Novak does not specifically disclose that the memory is a flash memory. Official Notice is taken that flash memory comprises writable permanent memory storage memory elements is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by including a flash memory to store data permanently and efficiently.

Regarding claims **17-19 and 42-44**, Novak does not specifically disclose dialup service. Official Notice is taken that a dialup data link for communication between a terminal device and service provider for obtaining information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by using a dialup service to provide connection between a terminal device and service provider for obtaining information.

10. Claims 22, 24-27, 47 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U.S. 5,787,335 A) in view of Khoo et al. (US 6,434,747 B1).

Regarding claims **22, 24-27, 47 and 49-52**, Novak teaches that the system provides the selected service to the television receiver according to the request of the user (see col. 3, lines 58-59 and col. 4, lines 64-67). Novak does not explicitly teach that the algorithm is performed outside the receiver system and the algorithm employs user preferences to determine the selected service. However, Khoo teaches that a user provides personalized data to server so that the server selects programs or services based on the personalized data. The personalized data comprises the personal profile of the user, the television show preference of the user and the viewing habits of the user

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(see col. 4, lines 4, line 56 to col. 5, line 16; col. 6, lines 41-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by providing personalized data to server for selecting programs or services based on the personalized data as taught by Khoo in order to allow the server effectively distribute the customized programs to user.

11. Claims 53-56, 58, 63-66 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U.S. 5,787,335 A) in view of Arsenault et al. (US 6,922,844 B1).

Regarding claim **53**, Novak teaches a system for providing continuous services (television services or programs), comprising: transmitting a first signal including a first service and a slaved service (more than one service or program) at the same polarization (left-hand polarization); wherein the first signal is communicated to a first splitter (46) having an input, a first output to a first tuner (within receiver 16) for tuning the first service and a first slaved output (other output) to a slaved tuner (within other receiver 16) for tuning the slaved service and the first signal is selected by a first control signal (via the switch 62) (see col. 3, lines 31-34 and 58-64 and figure 2).

Novak does not explicitly teach the system comprising one transmit station having an uplink antenna and one satellite receiving and retransmitting the signal to a downlink antenna. However, Arsenault shows a system in figure 6 comprising one transmit station 104 having an uplink antenna 106 and one satellite 602 for receiving and retransmitting the signal to a downlink antenna 616 or 620 (see figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by including one transmit station having an uplink antenna and one satellite receiving and retransmitting the signal to a downlink antenna

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as taught by Arsenault in order to effectively provide programs to users via multiple satellite video distribution network.

Regarding claim **54**, the combined system of Novak and Arsenault shows the system comprising one transmit station 104 having an uplink antenna 106 and one satellite 602 for receiving and retransmitting the signal to a downlink antenna 616 or 620 (see Arsenault: figure 6). The combined system of Novak and Arsenault teaches the system further comprising the second signal (i.e., satellite television signal) is communicated to a second splitter (52) having a second input, a second output to a first tuner (within receiver 16) for tuning the second service and a second slaved output to the slaved tuner (within other receiver 16) for tuning the slaved service and the second signal is selected by a second control signal (via other switch 62) and output to the slaved tuner (within other receiver 16) is selected between the outputs (to provide the service requested by a user - see Novak: col. 3, lines 31-36 and 58-64 and figure 2).

Regarding claims **55**, **56** and **58**, Novak teaches that the tuned service is selected using an algorithm and the algorithm is performed within the receiver system (via receiver 16 - see 5, lines 6-19).

Regarding claim **63**, Novak teaches a method for providing services (television services or programs), comprising: transmitting a first signal including a first service and a slaved service (more than one service or program) at the same polarization (left-hand polarization); wherein the first signal is communicated to a first splitter (46) having an input, a first output to a first tuner (within receiver 16) for tuning the first service and a first slaved output (other output) to a slaved tuner (within other receiver 16) for tuning the slaved service and the first signal is selected by a first control signal (via the switch 62) (see col. 3, lines 31-34 and 58-64 and figure 2).

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Novak does not explicitly teach receiving and retransmitting the signal to a downlink antenna. However, Arsenault shows a system in figure 6 comprising one transmit station 104 having an uplink antenna 106 and one satellite 602 for receiving and retransmitting the signal to a downlink antenna 616 or 620 (see figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by including one transmit station having an uplink antenna and one satellite receiving and retransmitting the signal to a downlink antenna as taught by Arsenault in order to effectively provide programs to users via multiple satellite video distribution network.

Regarding claim **64**, the combined system of Novak and Arsenault shows the system comprising one transmit station 104 having an uplink antenna 106 and one satellite 602 for receiving and retransmitting the signal to a downlink antenna 616 or 620 (see Arsenault: figure 6). The combined system of Novak and Arsenault teaches the system further comprising the second signal (i.e., satellite television signal) is communicated to a second splitter (52) having a second input, a second output to a first tuner (within receiver 16) for tuning the second service and a second slaved output to the slaved tuner (within other receiver 16) for tuning the slaved service and the second signal is selected by a second control signal (via other switch 62) and output to the slaved tuner (within other receiver 16) is selected between the outputs (to provide the service requested by a user - see Novak: col. 3, lines 31-36 and 58-64 and figure 2).

Regarding claims **65, 66 and 68**, Novak teaches that the tuned service is selected using an algorithm and the algorithm is performed within the receiver system (via receiver 16 - see 5, lines 6-19).

12. Claims 76 and 78-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arsenault et al. (US 6,922,844 B1) in view of Khoo et al. (US 6,434,747 B1).

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Regarding claim **76 and 78-81**, Arsenault discloses that number of channels or programs can be reserved for service groups defined by subscriber criteria such as viewer preferences (see col. 22, lines 18-21). Arsenault does not explicitly teach that the algorithm is performed outside the receiver system and the algorithm employs user preferences to determine the selected service. However, Khoo teaches that a user provides personalized data to server so that the server selects programs or services based on the personalized data. The personalized data comprises the personal profile of the user, the television show preference of the user and the viewing habits of the user (see col. 4, lines 4, line 56 to col. 5, line 16; col. 6, lines 41-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Arsenault by providing personalized data to server for selecting programs or services based on the personalized data as taught by Khoo in order to allow the server effectively distribute the customized programs to user.

13. Claims 57, 59-62, 67 and 69-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (U.S. 5,787,335 A) in view of Arsenault et al. (US 6,922,844 B1) and further in view of Khoo et al. (US 6,434,747 B1).

With respect to claims **57, 59-62, 67 and 69-72**, Novak teaches that the system provides the selected service to the television receiver according to the request of the user (see col. 3, lines 58-59 and col. 4, lines 64-67). Novak does not explicitly teach that the algorithm is performed outside the receiver system and the algorithm employs user preferences to determine the selected service. However, Khoo teaches that a user provides personalized data to server so that the server selects programs or services based on the personalized data. The personalized data comprises the personal profile of the user, the television show preference of the user and the viewing habits of the user (see col. 4, lines 4, line 56 to col. 5, line 16; col. 6, lines 41-48). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Novak by providing personalized data to server for selecting programs or services based on the personalized data as taught by Khoo in order to allow the server effectively distribute the customized programs to user.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nall (US 5,029,232) teaches a satellite communications network.

Oleson (US 4,675,732) teaches a satellite/hybrid television system.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

January 18, 2006